



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9171 OF 2024

1. Tatya Natthu Jagtap
Age: 46 years, Occ: Agriculture,
2. Gautam Ananda Jagtap
Age: 35 years, Occ: Agriculture,
3. Mayabai Ashok Shiral
Age: 58 years, Occ: Agriculture,
4. Walhabai Ramdas Nikam
Age: 82 years, Occ: Agriculture,
5. Dashrath Arjun Wagh
Age: 69 years, Occ: Agriculture,
6. Chintaman Supadu Jagtap
Age: 65 years, Occ: Agriculture,

Petitioner Nos.1 to 6
All R/o: Saygaon, Tq. Chilasgaon, Dist: Jalgaon.
7. Kisan Arjun Jagtap (died)
Through LR.
- 7-A. Yamunabai Kisan Wagh
Age: 76 years, Occ: Agriculture,
- 7-B. Gautam Kisan Wagh
Age: 39 years, Occ: Agriculture,
- 7-C. Aatmaram Kisan Wagh
Age: 30 years, Occ: Agriculture,
- 7-D. Shilpa Kiran More
Age: 27 years, Occ: Agriculture,
7-A to 7-D R/o: Near Shashikiya Doodh Dairy,
Chalisgaon, Tq: Chalisgaon,
Dist.: Jalgaon.

.....PETITIONERS
(Ori. Claimants)

VERSUS

1. The State of Maharashtra,
Through District Collector, Jalgaon.
2. The Special Land Acquisition Officer (2),
Upper Tapi Project Hatnur,
Minor Irrigation, Jalgaon.
3. The Executive Engineer,
Minor Irrigation Water Supply
Division. Z.P., Jalgaon.

.....**RESPONDENTS**
(Orig. Respondents.)

Mr. A. B. Kale, Advocate for the Petitioners
Mrs. B. B. Gunjal, AGP for Respondent-State

CORAM : AJIT B. KADETHANKAR, J.

DATED : 13TH MARCH, 2026

ORAL JUDGMENT:-

- . Rule. Rule made returnable forthwith.
2. Heard finally with consent of Mr. A. B. Kale, learned Counsel for the petitioners and Mrs. B. B. Gunjal, learned AGP for respondent-State.
3. Vide order dated 27.08.2024, this Court issued notice to the respondents indicating that the matter shall be disposed of at admission stage. Pursuant to the said notice, it appears that the respondent Nos.2 and 3 have been served. Learned AGP waived service of notice on behalf of respondent no.1.

4. Mr. A. B. Kale, learned Counsel for the petitioners would submit that the petitioners who have suffered loss of lands in the compulsory acquisition undertaken by the respondents/Authorities, have been awarded inadequate compensation. Hence, the land Acquisition References were filed before the learned Civil Judge Senior Division, Chalisgaon.

5. Mr. A. B. Kale would submit that the companion matters were referred to the National Maha Lok Adalat and were settled therein. He submits that the petitioners and their Advocate were under bonafide impression that the present matters were also included in the said group of matters. He therefore submits that inadvertently neither the petitioners nor the learned Counsel for the petitioners would attend the proceedings before the Court, as the present matters were, in fact, not included in the said group. Resultantly, the subject matter Land Acquisition References came to be decided by the Reference Court on the basis of the documents on record.

6. He would further submit that there was no bonafide mistake or any otherwise intention of the petitioners to refrain

from prosecuting the subject matters/Land Acquisition References.

7. Mr. A. B. Kale, learned Counsel submits that the petitioners have good case on merits and there is every possibility that the petitioners would get the compensation adequately enhanced. He further submits that the petitioners are ready to waive interest as per the following chart till the date on which this Court, if allows the Writ Petition fixed for the appearance of the parties:

Sr. No.	L.A.R. No.	Waiving interest from (Date fixed for evidence)
1	108 of 2014	18.02.2022
2	106 OF 2014	18.02.2022
3	107 of 2014	18.02.2022
4	111 of 2014	18.02.2020
5	110 of 2014	18.02.2022
6	112 of 2014	08.10.2021

8. Mr. A. B. Kale, learned Counsel submits that the statement itself shows the bonafide of the petitioners. He concludes his argument with a prayer to allow the Writ Petition and relegate the matter back to the learned Civil Judge Senior Division, Chalisgaon for deciding the said Land Acquisition References on its own merits.

9. Mrs. B. B. Gunjal, learned AGP supports the findings recorded by the Trial Court.

10. Despite having been served through a notice indicating that the petition would be heard finally at the admission stage, no one appeared for respondent nos.2 and 3.

11. In view of this, I have taken this matter for final disposal. It is not disputed that the petitioners' lands are acquired by the respondents/authorities under compulsory acquisition. It is also not disputed that some compensation was paid to the petitioners.

12. Feeling aggrieved by the inadequacy in the compensation, the petitioners have lodged the Land Acquisition References. Record speaks that petitioners have even tendered their examination-in-chief which itself demonstrates that the petitioners were diligent in getting their right declared from the Court that they are entitled for adequate enhancement in the compensation.

13. The reasons tendered by Mr. A. B. Kale, learned Counsel for the petitioners seems to be acceptable. He has submitted

that the petitioners and their Advocate did not attend the proceedings only under the bonafide impression that the subject matter/Land Acquisition References were also included in those group matters which were placed before the National Lok Adalat. More so, the statement made by the petitioners about waiving the interest for the wing period is a bonafide one.

14. In view of this, I am of the considered view that the Writ Petition deserves to be allowed. Hence, the following order:

ORDER

- i. Writ Petition stands allowed.
- ii. Orders dated 09.03.2023 in L.A.R. No.110 of 2014, 09.03.2023 in L.A.R. No.108 of 2014, 09.03.2023 in L.A.R. No.106 of 2014, 03.03.2023 in L.A.R. No.111 of 2014, 01.03.2023 in L.A.R. No.112 of 2014 and 09.03.2023 in L.A.R. No.107 of 2014 passed by learned Civil Judge Senior Division, Chalisgaon are quashed and set aside.
- iii. All above proceedings are restored back to their original positions.

- iv. The petitioners in the said proceedings shall appear before the Reference Court on 30.03.2026 and shall further prosecute the proceedings diligently. The petitioners shall not be entitled for any interest on any enhanced compensation for the period w.e.f. respective dates as mentioned in the chart at paragraph no.7 of this judgment till 30.03.2026 or the date of their appearance pursuant to this judgment.
- v. Writ Petition is disposed of accordingly.
- vi. Rule made absolute in above terms.

(AJIT B. KADETHANKAR, J.)